

REMARKS

Applicants hereby respectfully re-traverse the restriction requirement made by the examiner under 35 U.S.C. 121. Applicants have previously provisionally elected Group I, directed to claims 1-18. This election was made with traverse. It should be noted that the Commissioner may statutorily require the election of inventions "If two or more independent and distinct inventions are claimed in one application." Applicants submit that the examiner has made no showing of distinctness between the embodiments of Groups I and II. It is therefore respectfully urged that the restriction requirement be rescinded.

The examiner has rejected claims 1-18 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully submit that this ground of rejection has been overcome by the instant amendment.

The examiner rejects claims 1 and 18 stating that the term "which comprises" in step 3 is unclear as to whether it refers to the surface or the process. For clarification purposes, Applicants have amended these claims to now read "which process comprises the steps of:" Applicants have also amended these claims, as suggested by the examiner, to replace the second step "c)" with step "d)". The term "comprises" refers to the *process*, since all of claim 1 and 18's steps are *process steps*.

The examiner suggests that the term "a solids materials portion" in claims 1 and 18 is confusing and indefinite. Applicants have amended these claims to replace the word "solids" with "solid".

The examiner takes the position that the words "step c)" in claim 2, "step b)" in claims 3, 4, and 15, and the words "step a)" in claim 17 lack antecedent basis. It is urged that these rejections have been overcome by the instant amendment wherein claim 1 was clarified to now include the phrase "the steps of."

The examiner further asserts that the phrase "continuous feeding in step c)" of claims 5-7 lacks antecedent basis. Applicants respectfully urge that support for the term "continuous feeding" can be found in lines 15-16 of claim 1, where it is stated that the diluted suspension "is fed continuously to the settling tank." It is further urged that the present amendment to claim 1 provides support for the term "step c)" in claims 5-7.

For the above reasons is respectfully asserted that the 35 U.S.C. 112 rejection has been overcome, and that the rejection should be withdrawn.

The examiner has rejected claims 1-18 under 35 U.S.C. 103 over WO 96/16770 (hereinafter WO '770). The examiner states that it would be obvious for one skilled in the art to formulate the present invention upon a reading of WO '770. Applicants respectfully submit that this conclusion is unfounded since certain key features of the present invention are not taught or suggested by this reference.

The present invention relates to a process for removing an aqueous slurry suspension comprising blast medium and coating substance residues. Such suspensions are produced when cleaning surfaces having a corrosion protection coating on the surfaces. The invention aims to achieve optimal suction capable of collecting and then feeding a broad spectrum of slurry materials with abrasive components distributed over a wide work area over great height differentials

The five-phase process according to the invention begins with the initial suctioning of the aqueous slurry suspension into a receiving tank by an air feed. The suspension is diluted with water under vacuum in the receiving tank. The diluted suspension is then continuously fed by means of a pump into a settling tank, wherein a solid materials portion of the suspension is separated from the water, by sedimentation. The separated water is then recycled. According to the inventive process, the suctioning of the aqueous slurry suspension into the receiving tank is conducted with a vacuum, wherein a pressure ratio of outside pressure to receiving tank pressure is 1:0.52 or more. In addition, the

aqueous suspension is diluted to a solid materials proportion of a maximum of about 10% by volume. The diluted suspension is fed continuously to the settling tank and overcomes a height differential of at least about 5 meters.

In an additional embodiment of the invention, the suctioning of step (a) is conducted with a diaphragm pump of about 6 bar and a hose of about 40 meters; and the diluted suspension is able to overcome a height differential of about 30 meters.

WO '770 teaches an invention which is dramatically different from that of the present claims. WO '770 teaches a method for blasting media and water, wherein the water and media are separated by gravity into a separate water layer and settlement layer.

It is respectfully urged that several key features of the present claims are absent from WO '770. Specifically, the cited reference *fails to teach a suctioning of the suspension into a container with a vacuum, and dilute the suspension with a continuous water supply under vacuum conditions.* The cited reference describes a blasting media which is separated out by the use of gravity. There is no transporting of the suspension by suctioning via an air feed is taught. Rather, the citation's gravity controlled feed leads to immediate separation of fluid and particles, wherein blasting media settles to the bottom of their container. There is no disclosure of a *continuous* dilution with water, as required by the present claims. Rather, WO '770 must carry out a higher cost process of fluidizing a nearly rigid slurry (shown in their Figs. 2 through 6b) which has settled at the bottom of their container. They do this by re-directing settling water to a slurry removal pipe (22) which is inserted into this settled slurry area (18). Advantageously, the present invention does not experience this separation, but continuously maintains a diluted suspension under vacuum conditions, which is immediately ready for pumping out of the receiving tank. An additional advantage of the present invention includes the ability to remove the suspension from a wide work area within the receiving tank, while WO '770 must remove their settled material from the bottom of their container.

Regarding claims 3-4, the examiner states that one skilled in the art could have adjusted the solid material proportion to obtain optimum results. It is urged that while the adjustment of certain parameters may seem viable, the independent claim 1 which these claims depend from is still not obviated by WO '770 for the reasons stated above. Thus, claims 3-4 would fail to be obviated by the cited reference.

Regarding claims 5-7, the examiner again states that one skilled in the art could adjust the feeding rate to obtain optimum results. Applicants submit that the examiner has not made any showing that a feeding rate adjustment would or could overcome a height differential of about 30 meters or more. Further, it is again urged that these claims depend from independent claim 1 which is not obviated by the cited reference.

Regarding claims 8-14, the examiner takes the position that pumping in a multistage manner is inherent in the cited reference WO '770. Not only do Applicants submit that this is not the case, but it is also urged that claims 8-14 specifically require that the "pumping of step c) is accomplished in a multistage manner". It is respectfully submitted that the pumping of step c) includes a *continuous* feeding of the *diluted suspension* by means of a pump into a settling tank. As stated above, this is not taught by WO '770. Thus, it is urged that if the pumping of step c) itself is not taught by the cited reference, that the *multistage* pumping of step c) should not be considered inherent in WO '770.

Regarding claim 17, the examiner states that a solid materials proportion of from about 10% to about 40 % by volume would be inherent in a wet blasting slurry such as that of the cited reference. Applicants respectfully urge that the examiner has made no showing of proof as to this statement. Furthermore it is again urged that claim 17 depends from claim 1, which should be considered not to be obvious in view of WO '770 for the reasons stated above.

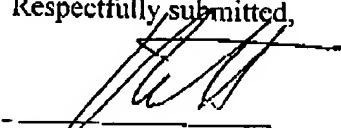
Regarding claim 18, the examiner urges that this claim is not given patentable weight, stating that it includes structure limitations. It is urged that the requirement of suctioning with a diaphragm pump of about 6 bar and a hose of 40 meters is a process requirement

for the use of such equipment in accordance with the presently claimed process. While the examiner states that one skilled in the art would choose a suitable pump to obtain optimum results, it is urged that there is still no teaching in the art of the *sequence of steps* taught by the presently claimed invention. Applicants therefore submit that this claim fails to be obviated by the related art.

For the above reasons, it is respectfully urged that the 35 U.S.C. 103 rejection should be withdrawn.

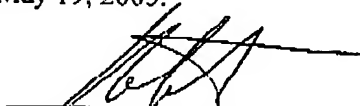
The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the examiner believes there is any matter which prevents allowance of the present application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,



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Date: May 19, 2005

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (FAX No. 703-302-9306) on May 19, 2005.



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